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12 United States of America

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15 IN THE UNITED STATES DISTRICT COURT
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17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,
19 Plaintiff,
20 v.
21 GERARDO PEREZ,
22 Defendant.

23 CASE NO. 1:21-CR-00185-JLT-BAM
24 STIPULATION TO VACATE CHANGE OF PLEA
25 HEARING, SET A STATUS CONFERENCE, AND
26 EXCLUDE TIME PERIODS UNDER THE SPEEDY
27 TRIAL ACT; ORDER

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16
17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for a change of plea hearing on November 18,
21 2024.

22 2. The parties are engaged in plea discussions and are very close to reaching a meeting of
23 the minds, but will not be ready on Monday, November 18.

24 3. The parties anticipate they can reach an agreement by December 11, 2024, which is a
25 date on which Magistrate Judge McAuliffe is available for a status conference.

26 4. If something changes, and the parties do not have an executed plea agreement by
27 December 11, 2024, then the parties will be prepared to request a trial date at the hearing. Otherwise,
28 the parties will request a date for a change of plea before this Court.

1 5. Based on the above-stated findings, the ends of justice served by continuing the case for a
2 change of plea as requested outweigh the interest of the public and the defendant in a trial within the
3 original date prescribed by the Speedy Trial Act.

4 6. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,
5 within which trial must commence, the time period of November, 2024 through January 13, 2025,
6 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a
7 continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends
8 of justice served by taking such action outweigh the best interest of the public and the defendant in a
9 speedy trial.

10 7. The parties agree and stipulate, and request that the Court find the following:

11 a) The government represents that the discovery associated with this case has been
12 provided. The government is aware of its ongoing discovery obligations.

13 b) The parties anticipate the defendant entering a change of plea and need a short
14 amount of additional time to finalize details of the plea.

15 8. Nothing in this stipulation and order shall preclude a finding that other provisions of the
16 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
17 must commence.

18 IT IS SO STIPULATED.

19 Dated: November 14, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ KIMBERLY A. SANCHEZ
KIMBERLY A. SANCHEZ
Assistant United States Attorney

24 Dated: November 14, 2024

/s/ KEVIN ROONEY
KEVIN ROONEY
Counsel for Defendant
GERARDO PEREZ

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2 **FINDINGS AND ORDER**

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4 The change of plea hearing set for November 18, 2024 is vacated, and a status conference is set
5 for December 11, 2024 at 1:00 p.m. before U.S. Magistrate Judge Barbara McAuliffe.

6 Time is excluded through December 11, 2024 pursuant to 18 United States Code Section
7 3161(h)(7)(A), B(iv). The Court finds that the ends of justice outweigh the interest of the defendant and
8 the public in a speedy trial.

9 IT IS SO ORDERED.

10 Dated: November 15, 2024


11 Jennifer L. Thurston
12 UNITED STATES DISTRICT JUDGE